

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TRAVIS SWENBY and
MICHELLE SWENBY

Plaintiffs,

ORDER

v.

12-cv-349-wmc

DUNN COUNTY SHERIFF DEPT.
and BOYCEVILLE POLICE DEPT.,

Defendants.

In this proposed civil action, plaintiffs Travis and Michelle Swenby allege that the defendants Dunn County Sherriff Dept. and Boyceville Police Dept. failed to investigate allegations of child abuse made by plaintiffs against their daughters' guardians (Michelle Swenby's parents). Plaintiffs seek leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. Magistrate Judge Crocker has determined that they may proceed without prepayment of costs. The next step is to screen the complaint to determine whether plaintiffs' proposed action is (1) frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks money damages from a defendant who is immune from relief. 28 U.S.C. § 1915(e)(2).

Plaintiffs' complaint will be dismissed without prejudice because they failed to include sufficient facts -- indeed virtually any facts -- showing that they are entitled to relief. Federal Rule of Civil Procedure 8 requires that a complaint set forth a short, plain statement of the claim showing that the pleader is entitled to relief. This means that "the complaint must describe the claim in sufficient detail to give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *EEOC v. Concentra Health Services, Inc.*, 496 F.3d 773, 776 (7th Cir. 2007). Because plaintiffs' complaint does not comply with Rule 8, the court will dismiss it without prejudice.

Plaintiffs will have until **June 28, 2013**, to file an amended complaint that complies with Rule 8. If plaintiffs submit an amended complaint, it should include short, plain statements of fact made in numbered paragraphs, explaining what happened to make them believe their rights were violated; when it happened; and who did it. In other words, plaintiffs should write their complaint as if they are telling a story to someone who knows nothing about their situation. If plaintiffs do this, the court will take the amended complaint under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2). **If plaintiffs fail to respond to this order by June 28, 2013, the case will be closed.**

ORDER

IT IS ORDERED that plaintiffs Travis and Michelle Swenby's complaint is DISMISSED WITHOUT PREJUDICE for failure to comply with Fed. R. Civ. P. 8. Plaintiffs may have until June 28, 2013 to submit a proposed amended complaint. If plaintiffs submit a revised complaint by that date, the court will take that complaint under advisement for screening pursuant to 28 U.S.C. § 1915(e)(2). If plaintiffs fail to respond by that date, then the clerk of court is directed to close this case for plaintiffs' failure to prosecute.

Entered this 4th day of June, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge